

B' 35. (NEW) The catalyst of Claim 33, wherein about 20 pounds of said catalyst preferably comprises about 12 pounds of sugar, 4 pounds of dextrose, 2 pounds of wheat gluten, 4 ounces of L-cystine, and 2 pounds of flour.

### REMARKS

Claims 1-18, and 27-35 are now pending in the application. Minor amendments have been made to the claims to simply overcome the rejections of the claims under 35 U.S.C. § 112. The claims contained herein are at least of equivalent scope to the claims as originally filed and, thus, these amendments are not narrowing amendments. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

The Applicant would like to thank the Examiner for the courtesies extended during the telephone interview of August 20, 2002.

### RESTRICTION REQUIREMENT

The Applicant affirms its election to prosecute Group I: claims 1-18, but traverses the restriction requirements with respect to Group III: claims 23-26. Group I and III are related as process of making and product made. The Applicant has cancelled claims 19-22 of Group II without prejudice to pursue the subject matter in a divisional application. The elements of independent claim 23 require "a batter for creating baked goods comprising about 30% to about 50% fresh ingredients, about 45% to 70% processed rework. Such a combination of claim 23 is because of process set

forth in the method claims and catalyst claims of Group I for using such a high percentage of processed rework in a batter or dough for creating baked goods. The catalyst and the method permit the high percentage of rework material to be used, whereas the prior art allowed use of less than about 15% of rework material. See, application paragraph 3.

#### **REJECTION UNDER 35 U.S.C. § 112**

Claims 1-18 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which Applicant regards as the invention. This rejection is respectfully traversed.

Claims 1, 3, 4-5, 9, 12, 13, and 17-18 have been amended as the Examiner suggests. Therefore, it is believed that these claims are now in a condition for allowance.

Claims 7 and 15 are rejected by the Examiner as being "vague and indefinite". The Examiner argues that the element "enzyme is L-cystine" is vague and indefinite because L-cystine is an amino acid. The Examiner is correct that L-cystine is an amino acid, however, L-cystine may also act as an enzyme, or enzymatically, as enzyme is generally known and defined. Enzyme is generally defined as "any of a very large class of complex proteinaceous substances . . . that are produced by living cells that are essential to life by acting like catalysts. Enzymatic is generally defined as "of, relating to, or produced by an enzyme." *Webster's Third New International Dictionary* at 761 (1993). Moreover, the application defines that "the catalyst 32 of the present invention which includes..., a suitable enzyme" where "[a]s presently preferred, L-

cystine is used as a suitable enzyme.” Therefore, the Applicant also clearly defines that the catalyst includes an enzyme and that a suitable enzyme is L-cystine. For these reasons, it is believed that the claim limitation “enzyme is L-cystine” is vague and indefinite, and thus claims 7 and 15 are not vague or indefinite.

### **REJECTION UNDER 35 U.S.C. § 103**

Claims 14-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Silva (U.S. Pat. No. 4,500,548) in view of Domingues (U.S. Pat. No. 5,514,386) This rejection is respectfully traversed.

Although Silva discloses a “fermentation aid” the fermentation aid of Silva only allows “the benefits of long fermentation . . . while allowing for [a] reduction in fermentation time. The product of [Silva] can also be used to improve the flavor, aroma and conditioning of a bread.” Col. 3, Ins. 13-17. Therefore, Silva teaches that the fermentation aid provides the flavor and aroma of a long fermented bread while reducing the overall fermentation time of the bread. This specifically teaches away from a “catalyst when mixed with said reworked dough produces a reprocessed dough which includes a substantial portion of the rework dough,” as claimed in amended claim 14. Thus, independent claim 14 claims a catalyst for producing a reprocessed dough which includes a rework dough and not an additive to improve the flavor and aroma of a new bread product.

Domingues teaches a method for creating a dough that “may then be stored at refrigeration temperatures without any further significant proofing of the dough.” However, the dough is a fresh dough and does not comprise a catalyst and

rework dough. Col. 3, Ins. 5-7. Again, Domingues teaches away from using a catalyst to produce a reprocessed dough and also provides no suggestion for using a catalyst to form a reprocessed dough which includes a substantial portion of the rework dough. In addition, there is no teaching nor suggestion in either Silva or Domingues to combine what is taught in either reference to produce the presently claimed invention.

Applicants have amended independent claim 14 to positively reciting the combination of rework dough and catalyst. Independent claim 14 now specifically includes "a rework dough" with which the other elements are combined. As the Examiner noted in the telephone conference of August 20, 2002, Domingues and Silva only disclose adding "dextrose; sugar; wheat gluten; and an enzyme" to a new dough. Therefore, adding these elements to a rework dough is not taught nor suggested in either Domingues or Silva, either alone or in combination.

Therefore, the Applicant believes that amended independent claim 14 is now in a condition for allowance and dependent claims 15-18, dependent thereon, are also in a condition for allowance.


### **CONCLUSION**

The Examiner has indicated the allowable subject matter of Claims 1-13. It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and

favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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## **ATTACHMENT FOR CLAIM AMENDMENTS**

The following is a marked up version of each amended claim in which underlines indicates insertions and brackets indicate deletions.

1. (Amended) A method for the reclamation and use of rework dough created in the process of forming a final good comprising the steps of:

providing a rework dough;

adding water at a first temperature above ambient temperature and a catalyst to said rework dough;

mixing together said rework, said catalyst, and said water to form a reprocessed dough [batter], thereby raising the temperature of said reprocessed [batter] dough to a temperature which is substantially equal to that of said first temperature;

cooling said reprocessed [batter] dough to a second temperature; and

adding said reprocessed [batter] dough to a new batch of [batter] dough.

3. (Amended) The method of Claim 2, wherein said reprocessed dough [batter] is held at said second temperature until said reprocessed dough [batter] is added to said new batch of dough in a ratio of approximately 1.3:1.

4. (Amended) The method of Claim 1, wherein said [hot] water is added to said [dough reworks] rework dough at a temperature in the range of about 80 degrees Fahrenheit to about 110 degrees Fahrenheit.

5. (Amended) The method of Claim 4, wherein the temperature of said [hot] water is between approximately 90 and 105 degrees Fahrenheit.

9. (Amended) The method of Claim 8, wherein said catalyst [preferably] comprises about 58-62% of sugar, 18-22% of dextrose, 8-12% of wheat gluten, 0.75-1.50% of L-cystine; and 8-12% of flour by weight.

10. (Amended) The method of Claim 1, wherein said batch of reprocessed [batter] dough includes approximately 33-38% said water, 58-62% said rework dough and 3-6% of said catalyst by weight.

12. (Amended) The method of Claim 11, wherein said second temperature is [preferably] about 40 to 50 degrees Fahrenheit.

13. (Amended) The method of Claim 12, wherein said second temperature is achieved by the steps of :

pumping said reprocessed dough [batter] to a heat exchanger;

cooling said reprocessed dough [batter] in a controlled manner from said initial temperature to said second temperature in approximately 30 minutes.

14. (Amended) [A] In combination a catalyst and a rework dough for [the reuse of rework] use in a dough [produced during] for the production of baked goods [to produce a reprocessed batter] comprising dextrose, sugar, wheat gluten, and an enzyme [and a carrier], wherein the catalyst is mixed with a rework dough to produce a reprocessed dough having a substantial portion of the rework dough.

16. (AMENDED) The catalyst of claim 14, [wherein said] further comprising a carrier [is selected from the group consisting of flour and soy].

17. (AMENDED) The catalyst of Claim [16] 14, wherein said catalyst [preferably] comprises about 58-62% of sugar, 18-22% of dextrose, 8-12% of wheat gluten, 0.75-1.50% of L-cystine[, and 8-12% of flour by weight].

18. (AMENDED) The catalyst of Claim [16] 14, wherein about 20 pounds of said catalyst [preferably] comprises about 12 pounds of sugar, 4 pounds of dextrose, 2 pounds of wheat gluten, 4 ounces of L-cystine[, and 2 pounds of flour].